In the High Court of Judicature at Madras

Dated:10.07.2006

Coram:

The Hon'ble Mr. Justice P. SATHASIVAM
and
The Hon'ble Mr. Justice V. DHANAPALAN

Habeas Corpus Petition No.334 of 2006

Firdouss Beevi .. Petitioner

vs.

1. The Secretary to Government
   Prohibition and Excise Department
   Government of Tamil Nadu
   Fort St. George
   Chennai 600 009.

2. The Commissioner of Police
   Greater Chennai
   Egmore, Chennai 600 008. .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of writ of habeas corpus calling for the record relating to the detention order NO. 65/2006, dated 08.03.2006 passed by the second respondent and set aside the same and decreed the respondent to produce the body of the detenu by name Abdul Wahab aged about 28 years detenu now confined in Central Prison, Chennai before this Court and thereafter set him at liberty.

For petitioner : Mr. A.K.S. Thahir

For respondents : Mr. M. Babu Muthu Meeran
Addl. Public Prosecutor

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ORDER

(Order of the Court was made by P. SATHASIVAM,J.,)

The petitioner by name Firdouss Beevi, challenges the impugned order of detention dated 08.03.2006, detaining her husband Abdul Wahab, as "Video Pirate" under Section 3 (1) of the Tamil Nadu Prevention of Dangerous activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas,

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Immoral Traffic Offenders, Slum Grabbers and Video Pirates Act, 1981 (Tamil Nadu Act 14 of 1982).

2. Heard both sides.

3. Even at the foremost the learned counsel for the petitioner submitted that there was delay in considering the representation of the detenue, which vitiates the ultimate order of detention. With reference to the said claim the learned Additional Public Prosecutor has placed details, which show that the representation of the detenue dated 16.03.2006 was received by the Government on 20.03.2006 and remarks were called on 21.03.2006, remarks were received on 28.03.2006. After receipt of the remarks, the file was dealt with by the Under Secretary and the Deputy Secretary on 29.03.2006; order was passed by the Minister for Prohibition and Excise on 30.03.2006, rejection letter was prepared on 10.04.2006; the same was sent to the detenue on 11.04.2006 and the rejection letter was served on the detenue only on 12.04.2006. As rightly pointed out though the Minister has passed an order on 30.03.2006, there is no explanation or reason for preparing the rejection letter till 10.04.2006. In the absence of any explanation, we hold that there is a delay between 30.03.2006 and 10.04.2006. On this ground, the impugned detention order is quashed; accordingly, this petition is allowed. The order of detention impugned in the petition is set aside and the detenue is directed to be set at liberty forthwith from the custody unless she is required in connection with any other case.

Kh

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1. The Secretary to Government
   Prohibition and Excise Department
   Government of Tamil Nadu
   Fort St. George
   Chennai 600 009.

2. The Commissioner of Police
   Greater Chennai
   Egmore, Chennai 600 008.

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3. The Superintendent
   Central Prison, Chennai.

4. The Public Prosecutor
   High Court, Madras.

5. The Joint Secretary to Government of Tamil Nadu
Public (law and order) Department
Fort Saint George, Chennai 600 009.

JRG(CO)
NM(21.07.2006)

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